

Atty. Docket No. JP919990158
(590.034)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

Claims 1-15 were pending in the instant application at the time of the outstanding Office Action in which the claims were rejected and the rejection made final. Specifically, claims 1-4, 8-11 and 15 stand rejected under 35 U.S.C. 103 over Noonan et al. (hereinafter "Noonan") in view of Waldner et al. (hereinafter "Waldner") Claims 5-7 and 12-14 stand rejected under 35 U.S.C. 103 over Noonan in view of Waldner and in further view of Silverman. Of these claims, claims 1, 8 and 15 are independent claims; the remaining claims are dependent claims. The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Applicants previous "Remarks" as set forth in the Applicants' Amendment, dated September 19, 2005, detailed the Applicants' interpretations of the prior art and distinguishing features of the present invention as compared to the cited art. The Applicants' remarks remain equally applicable to the present action; therefore, to the extent repeating these arguments would be superfluous, Applicants elect to incorporate their prior remarks by reference as if they were fully set forth herein. Mindful of this incorporation by reference, Applicants would like to turn toward a discussion of the Examiner's "Response to Arguments" provided in the outstanding Office Action.

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To summarize, the Applicants' prior arguments provided that "[c]ombining the teachings of the Noonan, Waldner, and Silverman references would not result in the instantly claimed invention. Combining these teachings would result in a telephone device which could be used to perform audio and video phone calls and function as a web browser; the DTMF tones from the telephone key pad would be used to provide input to the GUI Web browser. When used in audio call mode, the device would be capable of retrieving a previously linked URL to the caller, and if a voice message was left, the voice message would be placed on a website for retrieval and listening. Thus, following the teachings of Noonan, Waldner, and Silverman would not result in the claimed invention in which while a voice message is played a browser window is opened to a page the caller wishes the recipient of the message to view. Noonan, Waldner, and Silverman simply do not teach or disclose this, either alone or in combination." (Amendment Page 10 (9/19/05)) In response, the Examiner concludes the arguments are unpersuasive, because "[t]he features upon which the applicant relies (i.e., while a voice message is played a browser window is opened to a page the caller wishes the recipient of the message to view) are not recited in the rejected claim(s)." (Office Action Page 7)

Presently, the independent claims 1, 8, and 15 have been amended to recite, *inter alia*, "[w]herein said browser having received the converted URL information displays said web page associated with the URL while said voice message is played." (Claim 1)(emphasis added) The Applicants intend no change in the scope of the claims by the changes made by these amendments. It should also be noted, these amendments are not in acquiescence of the Office's position on allowability, but instead

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made merely to expedite prosecution. It is respectfully submitted, at a minimum, none of the references, either alone or in combination, teaches or suggests to one skilled in the art the invention as set forth in the present claims; i.e., "wherein said browser having received the converted URL information displays said web page associated with the URL while said voice message is played" is simply novel in the art. Since a *prima facie* case of obviousness can only be established where the following three basic criteria are met: (1) the combined references must teach or suggest all of the claimed limitations; (2) a suggestion or motivation to make the modification or combination must be present; and (3) an expectation of success is shown to exist; a *prima facie* case cannot be presently established. Since the claims are novel they should be immediately allowed at this juncture.

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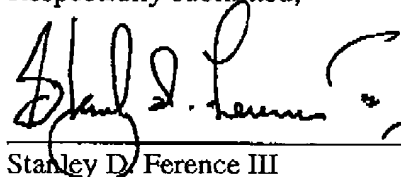
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In view of the foregoing, it is respectfully submitted that Claims 1, 8, and 15 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 8, it is respectfully submitted that Claims 2-7 and 9-14 are also allowable. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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